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Interview Transcript

2016, No. "Other"-6099, Trade Secret Act Case, interviewed at investigation room No. 16 of the Taiwan Taichung District Prosecutors Office at 15:00, 15 February 2016. Employees present:

Prosecutor CHEN Liwei Clerk of Court YAN Chunxiu

Presenters are:

Interviewee summoned to court

The Prosecutor Questions for the name, age, address, and National ID number

The defendant response

HE Jianting Male; 41 Years Old; [REDACTED]

National ID Number: [REDACTED]

Residence: [REDACTED]

[REDACTED] [REDACTED]

Contact Phone Number: [REDACTED]

Defense Counsel response

Attorney at Law JIA Junyi

The Prosecutor informs defendant of the following:

1. Suspected of committing the offense of violating the Trade Secret Act.
2. May remain silent. Do not have to make any statements against own will.
3. Have the right to a defense counsel. If the defendant is of low income, lower middle income, of indigenous tribes, or under any other status as stipulated by the law as qualified to seek legal assistance, the defendant retains the right to request such assistance.
4. Have the right to request for an investigation of evidences favorable to the case.

Question: When did you leave Micron Technology, Inc. and when did you start at United Microelectronics Corporation?

Answer: I left in the middle of October 2015 and started at United Microelectronics Corporation on 5 November.

Question: Is your current domicile, 6 Dashun 6th Road, Xinshi District, Tainan, a dormitory owned by United Microelectronics Corporation?

Answer: Yes.

Question: Do you live here on workdays and return home on weekends?

Answer: Yes.

Question: Have you traveled abroad in the previous year and this year?

Answer: I traveled last year and visited Fujian once and Xiamen once. The first trip was to Jinjiang County in Fujian Province to check on the progress of factory building.

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The second trip was to open an account at Xiamen Bank. Upper management has stated that there's additional bonuses for participating projects like these.

Question: Why open an account at Xiamen Bank?

Answer: It is because the bonus is actually provided by Fujian Jinhua Integrated Circuit, Co., Ltd. (JHICC). My understanding is that they can't directly wire funds to banks in Taiwan.

Question: When did the bonus allotment begin?

Answer: From what I can recall, I signed the agreement in October 2015, and the bonuses began starting July 2016.

Question: The Prosecutors from this Office has instructed the Office of Investigation to conduct a second search at United Microelectronics Corporation on 14 February 2017. After the search was concluded, did the investigators from the Office of Investigation show you the notice to notify you to report to the Office of Investigation?

Answer: Yes.

Question: After the investigation at the Office of Investigation, did the office show you the subpoena issued by this Office summoning you to this Office to be interviewed by the Prosecutors in this Office?

Answer: Yes.

Question: Are the statements you made at the Office of Investigation from your own free will?

Answer: Yes.

Question: Did you thoroughly review and sign the transcript?

Answer: Yes.

Question: (Reminder) You have signed a nondisclosure and intellectual property agreement with Micron Memory Taiwan on 24 February 2014. In the section in Term 8 of the agreement regarding returns, you have agreed to return any equipment or device to Micron Memory Taiwan that was developed, owned, or reproduced by you while under the employment of Micron Memory Taiwan or any device and records that are the possessions of Micron Memory Taiwan upon terminating the employment relationship with Micron Memory Taiwan. Do you remember this?

Answer: I remember this. I indeed signed this agreement.

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Question: This agreement was signed while you were employed by the company. After you left your position, did you follow the agreement to return Micron Memory Taiwan related materials to Micron Memory Taiwan?

Answer: No. I am not sure if Micron Memory Taiwan had asked me to return anything before I departed from the company. I do remember them telling me not to divulge any secret.

Question: When the Prosecutors from this Office searched Micron Memory Taiwan for the first time on 7 February 2017, did you hand hardcopies, an USB flash drive, and your company assigned laptop from United Microelectronics Corporation that were at your desk to assistant engineer HUANG Shuhan?

Answer: Yes.

Question: Was this done by your own will or did someone instruct you to do so?

Answer: This was done by my own will. I received the notification from RONG Letian that prosecutors were coming. He asked me if there was anything I needed to be careful of. I picked them up from my seat and wondered where I should put them. It just happened that I saw WANG Yongming hand items to HUANG Shuhan and asked HUANG Shuhan to hold on to them, but I didn't know what the items were. I was thinking I might as well hand my items to HUANG Shuhan as well.

Question: What did you say to HUANG Shuhan?

Answer: I was in the hurry so I am not sure what HUANG Shuhan did with them. The people conducting the search came in at that time. I asked HUANG Shuhan to keep them somewhere. Not long after I spoke to her, the prosecutors came into the office.

Question: Where did RONG Letian inform you about the search?

Answer: I am walking around working on other stuff. It was RONG Letian who approached to tell me that prosecutors were coming and reminded me to be mindful of my things.

Question: Someone who did not do anything wrong typically would not be afraid of prosecutors or law enforcement coming to conduct a search. Why would RONG Letian feel the need to remind you?

Answer: My understanding is he would've warned many people, such as WANG Yongming. He believes that those of us who came from other companies may sometimes accidentally bring some materials over from our previous employers.

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Question: When you came onboard to United Microelectronics Corporation, did you not sign an agreement promising you would not bring materials from previous employment?

Answer: That's correct. I have therefore violated company regulation.

Question: Since you have signed this type of agreement with United Microelectronics Corporation, the Manager RONG Letian should have assumed that there would not have been any material from your previous employment anywhere in the office. Why would he offer you such a reminder?

Answer: When I was notified, I also felt obligated to pass on the information to someone else.

Question: Was the HP Laptop that you handed to HUANG Shuhan the one assigned to you by United Microelectronics Corporation?

Answer: The computer I handed to HUANG Shuhan was the one that I requested from CHEN Zhengkun last year. I had requested a computer with capability to read USB for the convenience of work. CHEN Zhengkun then had his secretary arrange to acquire one for me.

Question: Are you saying that you have two notebook computers in your possession?

Answer: Yes, one of them has limited access and requires additional request to read *USB*. The other one is the above mentioned computer that I handed to HUANG Shuhan, which can read *USB* directly.

Question: Who else, other than you, can use the computer that has capability to read *USB*?

Answer: Yes. WANG Yongming and LI Fuzhe use it as well. Actually, it was both LI Fuzhe and I who requested for a laptop computer that can read *USB*.

Question: Whose account did WANG Yongming and LI Fuzhe use when they are using that laptop?

Answer: WANG Yongming would use my account and password to login. As for LI Fuzhe, I am not sure whether he used his account and password or mine.

Question: Does it conform to United Microelectronics Corporation cybersecurity regulations for WANG Yongming to use your account and password to login to that laptop?

Answer: No, he should have applied for an account and password in accordance to the regulation.

Question: Why did WANG Yongming not do so?

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Answer: There was no flash drive seized yesterday. That is probably record of all of my company emails copied and stored in the flash drive created by the prosecutors. They asked *IT* create it. I don't know who provided the flash drive, but the content was be provided by United Microelectronics Corporation.

Question: Who were you corresponding with in said emails?

Answer: United Microelectronics Corporation personnel.

Question: Have you discussed with anyone in said emails whether you have used relevant files from Micron Technology, Inc.?

Answer: No, I will not use materials belonging Micron Technology, Inc.

Question: After WANG Yongming came onboard to United Microelectronics Corporation, has he ever used the *KINGSTONE* flash drive in your possession?

Answer: Not that I recall. He has his own files so probably not.

Question: The prosecutors believe that your action of opening files owned by Micron Technology, Inc. at United Microelectronics Corporation constitutes as usage. You may have violated Article 13-1-1 or 13-1-2 of the Trade Secret Act. You may have also violated Article 13-2-1 of the Trade Secret Act. This is because you continued to access electronic files belonging to Micron Technology, Inc. after United Microelectronics Corporation decided to collaborate with China on *DRAM*. Do you admit to the crime or not?

Answer: I had thought I would be fine as long as I didn't use the files. I now know that simply possessing the files poses risk for criminal violation.

The following are questions to the defense counsel.

Question: Are there additional opinions or statements?

Answer: Violation of Article 13-2 would clearly not stand because there was no cooperation project when HE Jianting began his employment. As for Article 13-1, I would need to clarify some of the details with HE Jianting to determine whether he had violated his agreement with Micron Technology, Inc. to delete certain files but had failed to do so. It seems that he had retained the files for his own use and did not hand over the information to a third party for usage. The defendant did not purposefully intend to use said materials or harm Micron Technology, Inc.

The prosecutor also informs HE Jianting that if you were able to provide details of the crime involving upper management of United Microelectronics Corporation who had full knowledge of your unauthorized use of Micron Technology, Inc. files or have utilized said files in an unlawful

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manner, the prosecutors can invoke the Witness Protection Act. Prosecutors may also reduce the sentence on your suspected crime.

Question: Were any of the upper management from United Microelectronics Corporation aware that you were in possession of Micron Technology, Inc. files and expressed desire for you to apply said Micron Technology, Inc. files to the manufacture process of United Microelectronics Corporation?

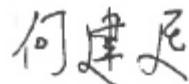
Answer: No, I would not have done so myself.

The prosecutor informs the defendant that the defendant is suspected of violating Article 13-1-1-2 and 13-2 of the Trade Secret Act, and is highly suspected of committing said crime.

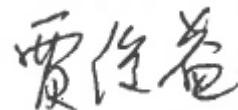
Furthermore, the defendant possesses monetary account in China and has relevant records of customs entry and exit. Thus, bail is set at New Taiwan Dollar \$100,000 with restricted domicile and foreign travel. The aforementioned terms are imposed in lieu of detainment of the defendant. If the disposed disagree with aforementioned terms as imposed by the prosecutor, the disposed may appeal to the court to repeal or alter said terms.

16:04, 15 February 2017

Transcript signed after review and verification to be without error.



Interviewee:



Defense Counsel:



Clerk:

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Prosecutor:

